

December 22, 2004

This letter is to lodge a strong complaint against The Mobile Solution Corporation, with corporate offices at P.O. Box 80158, San Diego, CA 92138, John McEvoy CEO; 619-297-1288. They have billed me on my credit card for a total of \$800; I believe, as do others having been bilked by them, that this is nothing but a major scam.

On 5/28/03, while in the mall at Parkway Plaza, I signed up for cell phone service through the third party designated agent, The Mobile Solution, The agent was a Martin Herrick. When I signed up, I was not made aware of the fact that T-Mobile and The Mobile Solution were completely different entities. After a year, being dissatisfied with the cell phone service, I again had occasion to be in the same mall, and after speaking with another agent, an Evelyn Thornton, decided to switch to AT&T. At that time, she advised me that they in fact, were "agents" for both T-Mobile and AT&T. Ms Thornton advised me after purportedly checking with the company, that I was, in fact, "out of contract" and would thus avoid any penalty for early termination. The transfer was made and new phones were issued. This occurred on 04/07/04

Shortly thereafter, I received a billing from T-Mobile for \$400 for each phone or \$800 indicating that I had NOT been "out of contract" and therefore I was subject to their early termination fee. I reacted strongly and over the course of about two weeks, spoke with the manager of The Mobile Solution, Mr. Paul Chung several times, as well as with Ms. Thornton who had been transferred, the people at T-Mobile and AT&T. Eventually, on 5/6/04 at 1:10pm I was able, through speaking to a T-Mobile agent - Heather Z., ID #0623315 - to get the \$400 charges rescinded by "porting" back to T-Mobile from AT&T and in essence voiding the AT&T contract.

No further contact was held and everything appeared to be in order. On my credit card bill for the billing period 10/07/04 - 11/06/04 however, I just saw a repeat of the first fiasco: two (2) identical billings for \$400 each, dated 10/15/04! In typical fashion for a suspect business, there was no contact number on the billing.

After two days of tracking down the correct number, making trips to the mall and contacting T-Mobile, I finally made contact with The Mobile Solution where I explained the problem to a "Donna". From her, I was routed to a "Georgina", an extremely unpleasant and rude young woman. (At one point when I attempted to explain to her she told me that if I didn't pay attention and "calm down" she would just put me on hold and behind other callers.) She informed me in no uncertain terms, that I WAS responsible for the \$800 because I had failed to read the contract and the small print. In fact, she made several insinuations that I was pretty stupid and I got the impression that in HER opinion I was getting what I deserved!

The facts are:

1. I did switch from T-Mobile to AT&T during a penalty period---I was however told by the agent, whom I mistakenly took for a knowledgeable and honest representative, that the switch WAS allowable.

2. I was "ported" back to T-Mobile from AT&T and told in no uncertain terms that their error had been handled, there would be no charges and everyone went happily about their business.
3. Six (6) months later, out of the blue with no warning, I got a billing statement on my credit card for \$800. When finally I made contact with the billing company, I was told, basically, too bad-you lose.
4. This is apparently NOT an isolated incident. On the net I discovered several people that had been taken advantage of by this firm, under circumstances very similar to mine. (I have a letter written by another victim).

I do not under any circumstances believe that I should be made to pay the \$400 per phone, which is a penalty for changing carriers prior to the contract expiration date. Originally, the change was made at the suggestion of the Mobile Solution agent, most likely to get the commission. That situation was rectified. Someone at Mobile Solutions has retroactively decided that once again I should pay those fees. They are scamming me as well as others who are having the same problem. I WANT THIS SCAM TO CEASE and for the powers that be at The Mobile Solution to refund the billing of \$800 to my credit card or give me the funds so that I can pay the card off.

Very truly yours,

Roger (Roy) F. Heilpern

cc: AT&T
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Better Business Bureau
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Federal Communications Commission
Mr. William McCarty, Esq.
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